

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

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July 6, 2011

Mark Persico, AICP, Director of Development Services
Development Services Department
City of Seal Beach
211 8th Street
Seal Beach, CA 90740

City of Seal Beach

JUL - 6 2011Department of
Development Services

**Re: Department of Water and Power Specific Plan Amendment
Notice of Preparation of a Draft Environmental Impact Report (SCH# 2011061018)**

Dear Mr. Persico,

Thank you for the opportunity to review the Notice of Preparation of a Draft Environmental Impact Report for the Department of Water and Power Specific Plan Amendment. The subject site is seaward of the intersection First Street and Marina Drive in Seal Beach. The project consists of: 1) grading of the 10.7 acre site and installation of appropriate infrastructure in order to allow for future development of residential and open space/passive park uses, and 2) a General Plan Amendment, Department of Water and Power (DWP) Specific Plan Amendment, Redevelopment Plan Amendment and Tentative Tract Map that would allow for the development of a 48-lot residential development on a former power plant site in the City of Seal Beach. Additionally, a lot line adjustment is proposed that will adjust the project acreage from 4.3 acres to 4.4 acres for the residential portion of the Specific Plan area.

The proposed project is located within the Coastal Zone in the City of Seal Beach. The proposed development will require a Coastal Development Permit from the California Coastal Commission. The City does not have a certified coastal Land Use Plan or Implementation Plan (i.e. a Local Coastal Program), so, the land use issues raised by the proposal would be addressed in the context of the Coastal Development Permit application.

The following comments address the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed project raises issues related to land use, visual impacts, biological resources, archaeological resources, hazards, and water quality.

Below are the comments by Commission staff on the Notice of Preparation of a Draft Environmental Impact Report.

Land Use

The proposed project would change the permitted use of an area of the project site from visitor-serving to residential uses. Given its waterfront and riverfront location, the subject site is well suited for lower cost recreation and visitor-serving uses. Lower cost recreation and/or visitor-

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serving uses are a priority use in the Coastal Act as they offer an opportunity for the public to recreate along and have access the coast. However, residential uses are not a priority use and do not offer the same beneficial uses that lower cost recreation and visitor-serving uses do. Lower cost recreation and visitor-serving uses should be maximized on the subject site. Additionally, the project states that there will be approximately 6.4 acres of open space/parkland as well on site. However, the proposed amendment would actually reduce the amount of open space currently called for by City planning documents from 70% to 60% within the proposed Specific Plan area. The reduction in planned open space/park area, in exchange for an increase in the quantity of residential uses (a lower priority use), is a significant concern raised by this proposal. Lower cost visitor-serving uses, as well as open space area, must be maximized and protected since they are priority uses as stated in the Coastal Act. We recommend that the EIR consider project alternatives that significantly reduce and/or eliminate the proposed residential uses on the subject site.

On July 28, 1983, the California Coastal Commission held a public hearing on the Land Use Plan for the City of Seal Beach as submitted by the City. The Commission denied the Land Use Plan as submitted based on inconsistencies with the Coastal Act. The Commission then adopted suggested modification, which if adopted by the City would bring the Plan into conformance with provision of the Coastal Act.

Suggested modification for the DWP site designated that 30% of the site be for hotel/commercial uses defined as a maximum 300-room hotel with a maximum height of 35-feet and necessary ancillary support uses to serve hotel guests. The remaining portion of the site was designated as open space with uses defined as public parks, greenbelts, trails, recreational uses and theater with a maximum height of 25-feet. Furthermore, all uses in the Seal Beach Municipal Code for public land use were permitted in open space.

However, these suggested modifications were never adopted by the City. Therefore, the Land Use Plan was never effectively certified and subsequently lapsed. While these suggested modification regarding the DWP site were never adopted by the City, it does show the Commission's concern of preserving the site as a lower cost visitor-serving and open space area in 1983 and we note that such uses are still strongly encouraged. The EIR should consider the above described land uses in its alternatives analysis (and/or variations on it).

Visual Impacts

The project site is located seaward of the first coastal roadway and public views across the site to and along the shoreline have been enjoyed by the public for a significant period of time. The Coastal Act requires the protection of public views to and along the coastline. Any adverse impacts to these scenic resources must be avoided or minimized to the greatest extent feasible. The EIR must analyze impacts to public coastal views and consider alternatives that avoid significant adverse impacts to coastal views.

Please note, the visual impact analysis should consider impacts to views as they would legally exist relative to the subject site. Any existing unpermitted fencing and/or screening should not be considered the 'existing' condition.

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Biological Resources

There is potential for impacts to biological resources with the proposed project, especially since the Notice of Preparation stated that the undeveloped site has the potential to contain wetlands as defined by the United States Army Corps of Engineers (USACOE) and the California Coastal Commission (CCC). The Coastal Act identifies the types of development, which may occur in wetlands. In order for the Commission to analyze whether the proposed project is consistent with the Coastal Act you must submit a biological study, which identifies the presence and boundary of any wetland, which exists in the project area based on Coastal Act criteria (note, the USACOE and CCC criteria for identifying wetlands differ significantly). In addition, an analysis must be prepared which identifies any direct or indirect impacts upon wetlands resulting from the proposed project. Therefore, please provide a wetlands identification and biological analysis, prepared by a biologist in accordance with current professional practice, of any direct and/or indirect impacts of the proposed project upon wetlands and associated sensitive biological resources in the project area. The analysis must include a map showing the location of the existing and proposed project with respect to the location of the wetlands and/or any other biological resources located on the property. Where applicable, proper protocol surveys should be conducted for sensitive, rare and/or endangered plant or animal species that may exist on the subject site.

Archaeological Resources

The project site is located in an area where archaeological resources (i.e. Native American Resources) have been found. Thus, please provide an archaeological survey that provides, at minimum, a preliminary investigation (i.e. reconnaissance) for the presence of any archaeological resources on site. If the preliminary investigation reveals that archaeological resources exist and/or very likely exist on the subject site, a more thorough investigation will be required prior to submittal of any Coastal Development Permit application for development of the subject site. Please note that an archaeological investigation may require a Coastal Development Permit. Please contact Commission staff regarding the need for a permit prior to undertaking the investigation.

Hazards

An analysis for the potential of structural damage due to sea level rise, flooding and wave attack must be conducted for the project site. The study must be prepared by a licensed engineer with expertise in coastal processes, which analyzes whether the proposed project minimizes risks from hazards including, but not limited to, sea level rise, flooding and erosion. The study must explain whether any protective devices will be necessary to protect the proposed development from any existing or anticipated future hazards.

Water Quality

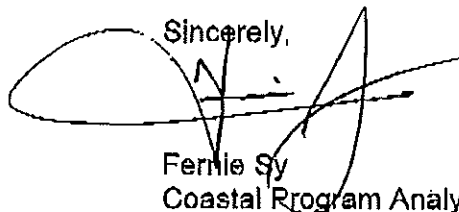
An analysis of the potential impacts to water quality resulting from the proposed project and the measures to deal those impacts is necessary. Any proposed measures must be sized and designed to mitigate water quality impacts generated by the development. The Commission has recently required that post-development peak runoff rates and average volume from the developed site shall not exceed pre-development levels for the 2-year 24-hour storm runoff event. In addition, post-construction treatment control BMPs shall be designed to mitigate

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(treat, infiltrate or filter) stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. If the proposed water quality mitigation measures do not meet the above criteria, water quality could be adversely impacted. The Environmental Impact Report should address whether the proposed development meets the above guidelines and any impacts upon water quality, which may result if the development is not consistent with the guidelines.

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Department of Water and Power Specific Plan Amendment. Commission staff request notification of any future activity associated with this project or related projects. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when an application is submitted for a Coastal Development Permit. Please feel free to contact me at 562-590-5071 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernie Sy', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping stroke extending to the right.

Fernie Sy
Coastal Program Analyst II

CC: State Clearinghouse